



North Carolina Department of Public Safety

Adult Correction and Juvenile Justice

Pat McCrory, Governor
Frank L. Perry, Secretary

W. David Guice, Commissioner

Handout for Justice and Public Safety Oversight Committee on Department of Public Safety's Fleet

COMMUNITY SUPERVISION MOTOR VEHICLE REQUIREMENTS

November 14, 2013

Community Supervision probation officers and juvenile court counselors have a unique job providing supervision of offenders, monitoring children and protecting the community in which they live and work. The name of the agency has changed to reflect the job we perform. Previously what was the Division of Adult Probation and Parole is now Community Supervision for Adults and Juveniles and clearly represents that the majority of our work is performed in the community, not in offices. Over the past several years, the role of the probation officer has also changed significantly. We are meeting offenders, employers, families and stakeholders in the community.

Because of our presence in the community, there is a pronounced need for vehicles within our agency. Currently the cars driven by our officers are not marked and it is difficult for the public to distinguish probation staff from other citizens. A list of demonstrated vehicle needs follows:

Currently these officers drive vehicles that are defined as "passenger vehicles". While there is no definition of passenger vehicle in the NC DOA-Motor Fleet Management Regulations (July 2010), it generally means a mid-sized car used to

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transport passengers from place to place, such as to administrative meetings, etc. Law Enforcement vehicles are generally defined as those vehicles used in the daily 24/7 support of law enforcement duties; and are equipped with specialized equipment needs such as lights, sirens, cages, and that have statutory pursuit authority, GS 20-125.

- *Probation Officers are both sworn “officers of the court” under GS 15-204 and certified criminal justice officers under the authority of the NC Criminal Justice Standards Commission (GS Chapter 17C). Officers must be certified and recertified under Commission regulations in order to perform the duties assigned; including the carry and use of firearms. Officers are authorized to conduct warrantless searches and execute arrests of offenders under our supervision by the authority granted in GS 15-205 and 15A-1345. This is a separate specialized category of criminal justice officers from sworn Law Enforcement.*
- *Sworn Law Enforcement Officers are defined in statute as “a full-time paid employee who is actively serving in a position with assigned primary duties and responsibilities for prevention and detection of crime or the general enforcement of the criminal laws of the State of North Carolina or serving civil processes, and who possesses the power of arrest by virtue of an oath administered under the authority of the State.” GS 135-1(11c).*
- *Certified Officers are those who perform criminal justice officer duties under the regulations of the NC Criminal Justice Standards Commission in Chapter 17C and must be certified and recertified to perform assigned duties. This includes Juvenile Justice Court Counselors, Detention and Youth Development Center Officers and Correctional Officers within prisons.*
- *Due to the serious nature of the work, sworn /certified Probation officers were issued firearms and a safety equipment package during the mid-1990s.*

- Because of the type of offenders under supervision, officers are allowed to carry state issued weapons off duty due to threats made by offenders.
- We participate in local law enforcement activities to include community policing, US Marshals and FBI task force initiatives. Community Supervision is an active partner in arrest operations to remove violators from the community state wide.
- The Justice Reinvestment Act (HB 642, SL 2011-192) has caused an increased offender population in the community and adds to the officer responsibilities to perform arrests, transport offenders to jail and transport offenders released from prison
- Safety equipment must be accessible to the officer at all times; gun safety boxes must be adequately anchored into the vehicle. Other state issued safety equipment includes body armor, hand held radio, smart phone, duffle bag, holster, OC pepper spray, decontamination kit, LED flashlight with charger and holder, magazines and carriers, handcuffs and carriers, gun cleaning kit, jacket, hat, reflective vest, glove pouch, and duty belt.
- Policy requires officers to work shifts including night time hours. Must be available to offenders and respond 24 hours a day, seven days a week and 365 days a year.
- Officers serve on-call and respond after normal business hours and on weekends and holidays; officers are only allowed to drive the vehicle home when serving on-call response duty.
- Community parking is utilized by our agency and allows officers to park their state vehicle in the community, i.e., fire station, local government facilities. This

allows for a quicker response time in the event a situation arises in which the officer must immediately react.

- Officers play a major role in the statewide emergency response team; we often deploy to affected areas during natural disasters like hurricanes, tornado, floods, etc.
- Officers supervise special populations in the community like sex offenders, domestic violence offenders and gang members. We are interacting with treatment providers and participating in Project Safe Neighborhood call-ins.
- Special vehicles are often needed to transport offenders and to drive in certain weather conditions and terrain. Cage cars are needed in every county and 4-wheel drive vehicles are a necessity in the mountains and coastal counties.
- Juvenile court counselors (JCC) have a presence in the community working with children who are adjudicated and their families.
- JCCs are required to transport longer distances due to closing of youth development centers.
- JCCs are required to host complete comprehensive transportation for the juvenile, and family to include transport to doctors' appointments and family visitation while the juvenile is in custody.

The above list is not all inclusive of officers' vehicle requirements.

Submitted by: W. David Guice, Commissioner
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